

**ASSEMBLY BILL**

**No. 948**

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**Introduced by Assembly Member Patterson**

February 26, 2015

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An act to amend Section 61105 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 948, as introduced, Patterson. Local government: community service districts.

The Community Services District Law authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts to enforce covenants, conditions, and restrictions within that district, as provided.

This bill would make a nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 61105 of the Government Code is
- 2 amended to read:
- 3 61105. (a) The Legislature finds and declares that the unique
- 4 circumstances that exist in certain communities justify the
- 5 enactment of special statutes for specific districts. In enacting this
- 6 section, the Legislature intends to provide specific districts with
- 7 special statutory powers to provide special services and facilities
- 8 that are not available to other districts.

(b) (1) The Los Osos Community Services District may borrow money from public or private lenders and lend those funds to property owners within the district to pay for the costs of decommissioning septic systems and constructing lateral connections on private property to facilitate the connection of those properties to the district's wastewater treatment system. The district shall lend money for this purpose at rates not to exceed its cost of borrowing and the district's cost of making the loans. The district may require that the borrower pay the district's reasonable attorney's fees and administrative costs in the event that the district is required to take legal action to enforce the provisions of the contract or note securing the loan. The district may elect to have the debt payments or any delinquency collected on the tax roll pursuant to Section 61116. To secure the loan as a lien on real property, the district shall follow the procedures for the creation of special tax liens in Section 53328.3 of this code and Section 3114.5 of the Streets and Highways Code.

(2) (A) (i) Except as otherwise provided in this paragraph, on and after January 1, 2007, the Los Osos Community Services District shall not undertake any efforts to design, construct, and operate a community wastewater collection and treatment system within, or for the benefit of, the district. The district shall resume those powers on the date specified in any resolution adopted pursuant to subdivision (I) of Section 25825.5.

(ii) Upon resuming the powers pursuant to subdivision (i), the Los Osos Community Services District may continue the program to offset assessments or charges for very low or low-income households with funding sources, including, but not limited to, grants, adopted pursuant to subdivision (g) of Section 25825.5. If the county has not implemented that program, the Los Osos Community Services District may adopt a program that complies with subdivision (g) of Section 25825.5 to offset assessments or charges for very low or low-income households. The Los Osos Community Services District shall not include in an assessment or charge an amount to cover the costs to the county in carrying out the offset program.

(B) Nothing in this paragraph shall affect the district's power to do any of the following:

(i) Operate wastewater collection and treatment facilities within the district that the district was operating on January 1, 2006.

1 (ii) Provide facilities and services in the territory that is within  
2 the district, but outside the prohibition zone.

3 (iii) Provide facilities and services, other than wastewater  
4 collection and treatment, within the prohibition zone.

5 (C) Promptly upon the adoption of a resolution by the Board of  
6 Supervisors of the County of San Luis Obispo requesting this  
7 action pursuant to subdivision (i) of Section 25825.5, the district  
8 shall convey to the County of San Luis Obispo all retained  
9 rights-of-way, licenses, other interests in real property, funds, and  
10 other personal property previously acquired by the district in  
11 connection with construction projects for which the district awarded  
12 contracts in 2005.

13 (c) The Heritage Ranch Community Services District may  
14 acquire, construct, improve, maintain, and operate petroleum  
15 storage tanks and related facilities for its own use, and sell those  
16 petroleum products to the district's property owners, residents,  
17 and visitors. The authority granted by this subdivision shall expire  
18 when a private person or entity is ready, willing, and able to  
19 acquire, construct, improve, maintain, and operate petroleum  
20 storage tanks and related facilities, and sell those petroleum  
21 products to the district and its property owners, residents, and  
22 visitors. At that time, the district shall either (1) diligently transfer  
23 its title, ownership, maintenance, control, and operation of those  
24 petroleum tanks and related facilities at a fair market value to that  
25 private person or entity, or (2) lease the operation of those  
26 petroleum tanks and related facilities at a fair market value to that  
27 private person or entity.

28 (d) The Wallace Community Services District may acquire,  
29 own, maintain, control, or operate the underground gas distribution  
30 pipeline system located and to be located within Wallace Lake  
31 Estates for the purpose of allowing a privately owned provider of  
32 liquefied petroleum gas to use the underground gas distribution  
33 system pursuant to a mutual agreement between the private  
34 provider and the district or the district's predecessor in interest.  
35 The district shall require and receive payment from the private  
36 provider for the use of that system. The authority granted by this  
37 subdivision shall expire when the Pacific Gas and Electric  
38 Company is ready, willing, and able to provide natural gas service  
39 to the residents of Wallace Lake Estates. At that time, the district  
40 shall diligently transfer its title, ownership, maintenance, control,

1 and operation of the system to the Pacific Gas and Electric  
2 Company.

3 (e) The Cameron Park Community Services District, the El  
4 Dorado Hills Community Services District, the Golden Hills  
5 Community Services District, the Mountain House Community  
6 Services District, the Rancho Murieta Community Services District,  
7 the Salton Community Services District, the Stallion Springs  
8 Community Services District, and the Tenaja Meadows Community  
9 Services District, which enforced covenants, conditions, and  
10 restrictions prior to January 1, 2006, pursuant to former Section  
11 61601.7 and former Section 61601.10, may continue to exercise  
12 the powers ~~set forth in~~ *provided by* former Section 61601.7 and  
13 former Section 61601.10.

14 (f) (1) The Bel Marin Keys Community Services District may  
15 enforce all or part of the covenants, conditions, and restrictions  
16 for a tract, and assume the duties of the architectural control  
17 committee, to the extent that a tract's covenants, conditions, and  
18 restrictions authorize an architectural control committee. Before  
19 the district can enforce covenants, conditions, and restrictions, and  
20 assume the duties of an architectural control committee, for a tract,  
21 the board of directors shall:

22 (A) Receive a written request from the board of directors of the  
23 tract's property owners' association or homeowners' association,  
24 with a petition signed by not less than a majority of the property  
25 owners of the parcels within the tracts covered by those  
26 associations, requesting the district to enforce the covenants,  
27 conditions, and restrictions for that tract and assume the duties of  
28 the architectural control committee for that tract, if an architectural  
29 control committee is called for in the covenants, conditions, and  
30 restrictions.

31 (B) Conduct a public hearing on the question, after giving mailed  
32 notice to each affected property owner of the date, time, and  
33 location of the meeting.

34 (C) Submit an application to the local agency formation  
35 commission pursuant to Section 56824.10, specifying the exact  
36 nature and scope of the intended services to be provided by the  
37 district.

38 (D) Receive the approval of the local agency formation  
39 commission, pursuant to Article 1.5 (commencing with Section  
40 56824.10) of Chapter 5 of Part 3 of Division 3 of Title 5, which

1 may include completion terms deemed appropriate by the  
2 commission, to enforce covenants, conditions, and restrictions for  
3 a tract, and to assume the duties of the architectural control  
4 committee for that tract.

5 (E) Adopt an ordinance assuming the power to enforce  
6 covenants, conditions, and restrictions for a tract, and to assume  
7 the duties of the architectural control committee for that tract,  
8 provided that the ordinance requires:

9 (i) The property owners within the tract to finance the  
10 enforcement of the covenants, conditions, and restrictions, and the  
11 duties of the architectural control committee.

12 (ii) The tract's property owners' association or homeowners'  
13 association to indemnify the district for the costs of any litigation,  
14 settlements, injuries, damages, or judgments arising from  
15 enforcement of the covenants, conditions, and restrictions, and the  
16 district's duties as the architectural control committee.

17 (2) The Bel Marin Keys Community Services District may, by  
18 ordinance, divest itself of the power undertaken under this  
19 subdivision.

20 (g) The Bear Valley Community Services District, the Bell  
21 Canyon Community Services District, the Cameron Estates  
22 Community Services District, the Lake Sherwood Community  
23 Services District, the Saddle Creek Community Services District,  
24 the Wallace Community Services District, and the Santa Rita Hills  
25 Community Services District may, for roads owned by the district  
26 and that are not formally dedicated to or kept open for use by the  
27 public for the purpose of vehicular travel, by ordinance, limit access  
28 to and the use of those roads to the landowners and residents of  
29 that district.

30 (h) Notwithstanding any other provision of law, the transfer of  
31 the assets of the Stonehouse Mutual Water Company, including  
32 its lands, easements, rights, and obligations to act as sole agent of  
33 the stockholders in exercising the riparian rights of the  
34 stockholders, and rights relating to the ownership, operation, and  
35 maintenance of those facilities serving the customers of the  
36 company, to the Hidden Valley Lake Community Services District  
37 is not a transfer subject to taxes imposed by Part 11 (commencing  
38 with Section 23001) of Division 2 of the Revenue and Taxation  
39 Code.

1 (i) The El Dorado Hills Community Services District and the  
2 Rancho Murieta Community Services District may each acquire,  
3 construct, improve, maintain, and operate television receiving,  
4 translating, or distribution facilities, provide television and  
5 television-related services to the district and its residents, or  
6 authorize the construction and operation of a cable television  
7 system to serve the district and its residents by franchise or license.  
8 In authorizing the construction and operation of a cable television  
9 system by franchise or license, the district shall have the same  
10 powers as a city or county under Section 53066.

11 (j) The Mountain House Community Services District may  
12 provide facilities for television and telecommunications systems,  
13 including the installation of wires, cables, conduits, fiber optic  
14 lines, terminal panels, service space, and appurtenances required  
15 to provide television, telecommunication, and data transfer services  
16 to the district and its residents, and provide facilities for a cable  
17 television system, including the installation of wires, cables,  
18 conduits, and appurtenances to service the district and its residents  
19 by franchise or license, except that the district may not provide or  
20 install any facilities pursuant to this subdivision unless one or more  
21 cable franchises or licenses have been awarded under Section  
22 53066 and the franchised or licensed cable television and  
23 telecommunications services providers are permitted equal access  
24 to the utility trenches, conduits, service spaces, easements, utility  
25 poles, and rights-of-way in the district necessary to construct their  
26 facilities concurrently with the construction of the district's  
27 facilities. The district shall not have the authority to operate  
28 television, cable, or telecommunications systems, except as  
29 provided in Section 61100. The district shall have the same powers  
30 as a city or county under Section 53066 in granting a franchise or  
31 license for the operation of a cable television system.